



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012-2713

RAYMOND G. FORTNER, JR.

County Counsel

August 31, 2005

TELEPHONE

(213) 974-1857

FACSIMILE

(213) 617-7182

TDD

(213) 633-0901

Agenda No. 10

06/28/05

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**Re: CONDITIONAL USE PERMIT NUMBER 02-230-(5)  
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit which proposes an automobile service station, a mini-mart, and a restaurant with a drive-through window with appurtenant parking and landscaping on approximately 5.4 acres on the north side of Sierra Highway, between the Antelope Valley Freeway and Pearblossom Highway in the Palmdale Zoned District. You previously approved a change of zone for the property from A-1-1 to C-2-DP on June 28, 2005. At the conclusion of the hearing on the conditional use permit, you indicated an intent to approve the permit with conditions and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

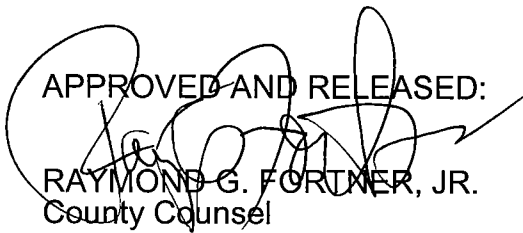
Very truly yours,

RAYMOND G. FORTNER, JR.  
County Counsel

By 

(for) ELAINE M. LEMKE  
Principal Deputy County Counsel  
Property Division

APPROVED AND RELEASED:

  
RAYMOND G. FORTNER, JR.  
County Counsel

EML:di

Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
CONDITIONAL USE PERMIT NUMBER 02-230-(5)**

1. The Los Angeles County Board of Supervisors ("Board") conducted a duly noticed public hearing on this proposed Conditional Use Permit No. 02-230-(5) and Zone Change No. 02-230-(5) on June 28, 2005. The Los Angeles County Regional Planning Commission ("Commission") conducted a duly noticed public hearing on this application on September 8, 2004, approving the conditional use permit and recommending approval by the Board of the related zone change.
2. After the close of the hearing on June 28, 2005, the Board approved the zone change request, changing the zone classification on the subject property from A-1-1 (Light Agriculture - one-acre minimum required area) to C-2-DP (Neighborhood Business - Development Program) as recommended by the Commission. The applicant requested zoning of C-3-DP (Unlimited Business - Development Program), but the Commission and Board concluded that C-2-DP is more appropriate and compatible with surrounding land uses and will allow for more effective management of any subsequent development while allowing the proposed development to proceed.
3. This conditional use permit will authorize the construction, operation, and maintenance of an automobile service station, a mini-mart, and a restaurant with a drive-through window on 5.4 acres located on the north side of Sierra Highway, between the Antelope Valley Freeway and Pearblossom Highway in the Palmdale Zoned District.
4. The triangular-shaped subject property is currently vacant and comprised of rolling to flat topography. Access to the property is via Sierra Highway to the south.
5. The project is consistent with the C-2-DP zoning classification. Section 22.28.080 of the Los Angeles County Code ("County Code") provides that an automobile service station, a mini-mart, and a restaurant are permitted in the C-2 zone, and pursuant to Section 22.40.040 of the County Code, property in a DP zone may be used for any use permitted in the basic zone, subject to the conditions and limitations of the conditional use permit and approved development program contained therein.
6. The properties surrounding the subject property are zoned as follows:  
  
North: A-1-1;  
South: C-1-DP (Restricted Business - Development Program) and A-1-1;  
East: A-1-1; and  
West: A-1-1

7. Surrounding land uses consist of the following uses:
  - North: Vacant properties;
  - South: A real estate office, single-family residences, and vacant properties;
  - East: Vacant properties; and
  - West: Vacant properties and the Antelope Valley Freeway
8. The project site is designated as "Non-Urban 1" land use category in the Antelope Valley Areawide General Plan ("AVAGP"). This classification allows residential density up to one dwelling unit per two gross acres. This land use classification does not specifically address commercial development in these areas. However, the AVAGP allows for non-residential uses in non-urban areas subject to the public hearing process and appropriate conditioning of the design of the project to eliminate or minimize adverse impacts on adjacent land uses. The commercial land use category of the AVAGP discusses appropriate areas for highway-oriented commercial uses subject to the "unmapped Highway Oriented Commercial Conditions for Development." These uses would consist of highway or roadside facilities and services of a minor nature such as gas stations, cafes, motels, and other uses providing a service to the traveling public subject to the following unmapped Community Commercial Conditions for Development.
  - a. Location
    - I. The proposed use should be located on freeways or major and secondary highways as shown on the Los Angeles County Highway Plan.
    - II. The proposed use should be located and designed so as not to invade or disrupt sound in existing residential neighborhoods nor conflict with established community land use, parking, and circulation patterns.
    - III. The necessary public services should be readily available.
  - b. Scale
    - I. The scale of highway-oriented commercial uses, in terms of acreage and permitted floor areas, should be limited to that which can be justified by local community and neighborhood needs. In most instances, such uses, individually or in aggregate, should not exceed ten acres in size.
    - II. The overall scale and intensity of proposed highway-oriented commercial uses should be in keeping with the surrounding neighborhood or community setting.

c. Design

- I. The site should be, to the extent possible, compact and regular in shape to minimize impacts upon adjacent noncommercial developments.
- II. The facility should be designed and operated in such a fashion as to minimize the negative impacts upon adjacent lands.

d. Access and Traffic

- I. The design of the project should ensure that anticipated traffic generation does not adversely affect conditions on adjacent streets and highways. Wherever possible, access from adjacent interior residential streets should be prohibited.
- II. Access, egress, and on-site parking should be provided in a manner which maximizes safety and convenience, and minimizes adverse impacts on surrounding neighborhood and community land use patterns.

The project meets the criteria listed above in that: 1) the subject property is located within close proximity to the Antelope Valley Freeway and fronts on Sierra Highway, a County designated major highway; 2) all necessary public services will be provided according to County standards; 3) the scale and intensity of the proposal is consistent with the development criteria; 4) the project has been designed to be sufficiently buffered from the adjacent residential neighborhood; and 5) impacts to public services and circulation patterns will be mitigated in accordance with County requirements.

The project, as proposed and with the attached conditions and restrictions, is consistent with the Non-Urban 1 land use classification and complies with the applicable conditions for community commercial development in the AVAGP.

9. There are no previous zoning cases noted on the subject property.
10. The applicant's site plan, labeled Exhibit "A," shows a 5.4-acre subject property developed with a 4,000-square-foot building comprised of a service station (1,100 square feet), a mini-mart, and restaurant (2,900 square feet). A 12-foot-wide drive-through lane is proposed for the restaurant. An 80-foot by 100-foot (8,000 square feet) canopy covering the gas pumping station is depicted. The proposed sewage disposal field, water tank, and water well are depicted along the western property line. Twenty-six parking spaces are depicted (24 standard, two handicapped). Access to the site will be provided by a driveway via Sierra Highway to the south.

11. The proposed project, as conditioned, complies with the development standards of the C-2-DP zone, as set forth in Section 22.28.170 of the County Code, as follows:
  - a. Pursuant to Section 22.28.170.A of the County Code, no more than 90 percent of the net area of the subject property shall be occupied by buildings with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers, and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area. The applicant's site plan depicts approximately 20 percent (1.1 acres) of the net area occupied by buildings. The site plan depicts 4,800 square feet of landscaping or approximately 10 percent of the 1.1-acre development area. The applicant's site plan is in compliance with the lot coverage and landscaping requirements of the C-2-DP zone; and
  - b. Pursuant to Section 22.28.220.B of the County Code, parking facilities shall be provided as required by Part 11 of Chapter 22.52. Pursuant to those County Code provisions, the parking requirements for the proposed commercial development are one space for every 250 square feet of commercial retail space or for restaurants selling food for off-site consumption and having no seating or other areas for on-site eating. The site plan submitted by the applicant depicts 4,000 square feet of commercial retail and/or an off-site consumption restaurant, thereby requiring 16 parking spaces. The applicants site plan depicts 26 parking spaces, 24 standard and two accessible to persons with disabilities.
12. Pursuant to Section 22.52.1060.E.2 of the County Code, a minimum of two percent of the gross area of the parking lot shall be landscaped. Landscaping shall be distributed throughout the parking lot, so as to maximize the aesthetic effect and compatibility with adjoining areas. The project will be conditioned to meet this requirement.
13. Of the two handicapped-accessible parking spaces, the applicant is required to provide one van-accessible handicapped space. The site plan indicates a loading and unloading area at the van-accessible parking space as five feet in width. As a condition of approval, a revised site plan will be required to depict the handicapped parking space with an eight-foot loading area as required by the County Code.
14. The applicant has not provided any sign plans or elevations. As a condition of approval of this permit, the applicant will be required to submit sign plans and elevations in compliance with Section 22.52.870 of the County Code.

15. The applicant is required to submit a development program, consisting of a plot plan and a progress schedule in accordance with Section 22.40.050 of the County Code. The plot plan shall show the location of all proposed structures; the alteration or demolition of any existing structures; development features including grading, yards, walks, and landscaping; height, bulk, and arrangement of buildings and structures; signs; the color and appearance of buildings and structures; and other features as needed to make the development attractive, adequately buffered from adjacent more restrictive uses, and in keeping with the character of the surrounding area. The applicant has provided a site plan depicting the proposed development on the property.
16. Pursuant to Section 22.40.050.B of the County Code, a progress schedule is required which shall include all phases of development and indicate the sequence and time period within which the improvements described will be made. As a condition of approval of this grant, the applicant will be required to submit a progress schedule prior to development commencement.
17. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study identified potentially significant effects of the project regarding drainage and grading, fire, noise, water quality, utilities, and traffic and access. Based on the Initial Study and project revisions, the Department of Regional Planning has prepared a Mitigated Negative Declaration for this project. Prior to the release of the proposed Mitigated Negative Declaration and Initial Study for public review, the applicant made or agreed to revisions in the project that would avoid the effects or mitigate the effects to a point where no significant effects would occur. The Initial Study and project revisions showed that there is no substantial evidence, in light of the whole record before the Board, that the project as revised may have a significant effect on the environment. Conditions or changes in the proposed project are necessary to assure the proposed project will not have a significant effect on the environment, and such conditions or changes have been included in the Mitigation Monitoring Program prepared for the project. The applicant will be required to comply with all provisions in the Mitigation Monitoring Program as a condition of approval of this grant.
18. After consideration of the Mitigated Negative Declaration prepared for the requested conditional use permit and zone change together with comments received during the public review process on June 28, 2005, the Board found, on the basis of the whole record before it, that there was no substantial evidence that the proposed project will have a significant effect on the environment. Accordingly, the Board adopted the Mitigated Negative Declaration and Mitigation Monitoring Program for the project, finding that the documentation reflected the independent judgment and analysis of the Board.

19. Staff received comments regarding this combined conditional use permit and zone change request from the Department of Public Works, Traffic and Lighting Division and Subdivision Mapping Section; the Los Angeles County Fire Department; and the California Department of Transportation. Where appropriate, their comments have been included as conditions of approval of this grant.
20. There is no request for the on-site or off-site sale of alcoholic beverages within any store or restaurant included with this proposal. The applicant would be required to apply for a conditional use permit to allow alcoholic beverage sales at the commercial plaza.
21. Compliance with the recommended conditions of approval and mitigation measures, and with the development program for the subject property, will ensure compatibility with surrounding land uses.
22. The custodian of the documents and materials constituting the record of proceedings upon which the Board's decision is based in this matter shall be the Section Head of the Land Divisions Section, Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:**

- A. That the proposed use with the attached conditions will be consistent with the adopted general plan for the area;
- B. With the attached conditions, the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**THEREFORE THE BOARD OF SUPERVISORS:**

1. Indicates that it has previously adopted the Mitigated Negative Declaration for the project and the related Mitigation Monitoring Program; and
2. Approves Conditional Use Permit Number 02-230-(5), subject to the attached conditions.



**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NUMBER 02-230-(5)**

1. This grant authorizes the use of the subject property for an automobile service station, a mini-mart, and a restaurant with appurtenant parking and landscaping, as depicted on the approved revised Exhibit "A," subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 12. Further, this grant shall not be effective until the ordinance adopted by the Board of Supervisors effecting Zone Change No. 02-230-(5) becomes effective.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of section 65009 of the Government Code or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code ("County Code").

- 6. This grant shall expire unless used within two years from the date of approval. A one-year time extension may be requested in writing with the payment of the applicable fee at least six months before the expiration date. This grant will be considered used within the intent of this condition, upon commencement of development within the project site consisting of grading pursuant to an approved grading plan.
- 7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
- 8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the Los Angeles County Registrar-Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
- 9. This grant shall terminate on February 16, 2025. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.
- 10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$3,000. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the site plan on file. The fund provides for 20 annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150 per inspection).

11. Within five days of the approval date of this grant, the permittee shall remit processing fees (currently \$1,275) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the California Public Resources Code and to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game pursuant to section 711.4 of the California Fish and Game Code.
12. Within 30 days of the approval date of this grant, the permittee shall deposit the sum of \$3,000 with the Department to defray the cost of reviewing the required mitigation monitoring reports and verifying compliance with the Mitigation Monitoring Program.
13. The conditions and/or changes in the project, which are set forth in the Mitigated Negative Declaration as necessary to assure that the proposed project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all such conditions/changes in accordance with the attached Mitigation Monitoring Program. As a means of ensuring the effectiveness of such conditions and/or changes to the project, the permittee shall submit mitigation monitoring reports to the Department for review and approval as frequently as may be required by the Department. The reports shall describe the status of the permittee's compliance with the required project conditions/changes.
14. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
15. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said bureau.

16. All requirements of the zoning ordinance and of the specific zoning of the subject property, now zoned C-2-DP, must be complied with unless specifically modified by this grant as set forth in these conditions or shown on the approved plans.
17. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
18. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
19. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous marking occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
20. Within 90 days of the approval date of this grant, the permittee shall submit to the Director of the Department ("Director") for review and approval three copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict all project changes required by these conditions of approval, including the following: 1) sign elevations which depict the dimensions and height of the pole sign; 2) elevations and floor plans of the proposed structures and a development schedule in accordance with all development program features required by Section 22.40.050.A of the County Code; 3) handicapped parking spaces in accordance with the County Code, which requires two spaces to be accessible to and reserved for persons with disabilities, one of which shall be van-accessible requiring an eight-foot-wide loading and unloading area; and 4) a landscaping table which depicts a minimum of two percent of the parking lot and 10 percent of the 1.1-acre development area landscaped. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plans must be accompanied by the written authorization of the property owner.
21. Within 60 days of the approval of this grant, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which may be incorporated into the revised Exhibit "A" described above. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The permittee shall maintain all landscaping in a neat, clean, and healthy condition, including proper pruning, weeding, litter removal, fertilizing, and replacement of plants when necessary. Watering facilities shall consist of a

permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.

22. Within 60 days of approval of this grant, the permittee shall submit to the Director for review and approval three copies of a signage program for the project which may be incorporated into the revised Exhibit "A" described above, developed in conformance with the requirements of Part 10 of Section 22.52 of the County Code.
23. The following development program conditions shall apply:
  - a. No building or structure of any kind except a temporary structure used only in the development of the property according to the development program shall be built, erected, or moved onto any part of the property;
  - b. No existing building or structure which is to be demolished shall be used;
  - c. All improvements shall be completed prior to the occupancy of any structures; and
  - d. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.
24. The construction, operation, and maintenance of the proposed use shall be further subject to all of the following restrictions:
  - a. All graded material shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds (i.e., greater than 20 miles per hour averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
  - b. Project construction activity, including engine warm-up, shall be limited to those hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and 8:00 a.m. and 5:00 p.m., Saturday. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effects on nearby residences. Generators and pneumatic compressors shall be noise-protected in a manner that will minimize noise effects to adjacent residences. Parking of construction worker vehicles shall be on site and

restricted to areas buffered from residences located to the south and east of the subject property;

- c. The permittee shall make arrangements with the serving utilities to install underground any necessary new utilities serving the development;
- d. A minimum of 26 on-site parking spaces shall be provided and continuously maintained, including two spaces reserved for persons with disabilities, one of which shall be van-accessible with an eight-foot-wide loading area;
- e. Required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile or truck repair, or any other unauthorized uses;
- f. The restaurant shall be for selling food for off-site consumption only. Seating or other areas for on-site consumption is strictly prohibited unless adequate parking is provided for in accordance with Section 22.52.110 of the County Code;
- g. Outside storage of materials, including inoperable vehicles, is prohibited on the property;
- h. All outdoor trash containers shall be covered and all trash enclosure areas shall be screened from public and private view corridors by landscaping, berms, compatible structures or walls, or a combination of these;
- i. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within 30 minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot;
- j. Within 60 days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of a lighting plan, which may be incorporated into the revised Exhibit "A" as described above. The lighting plan shall show the locations, types, and heights of all proposed pole and wall mounted lighting;
- k. The height of all buildings shall not exceed 35 feet above finished grade;
- l. Not less than 10 percent of the 1.1-acre development area shall be landscaped;

- m. Operating hours for repair of motor vehicles at the service station are restricted to the hours between 7:00 a.m. to 9:00 p.m., Monday through Sunday. All deliveries to the subject property shall also be within these operating hours;
- n. The service facility shall not provide services such as body and fender work, painting, major engine overhaul, or transmission repair;
- o. All automobile repair and installation activities shall be conducted within an enclosed building only;
- p. No automobile-awaiting repair or installation service shall be parked or stored for a period exceeding 24 hours except within an enclosed building;
- q. Automobile washing, waxing, and polishing shall be accessory only to the repair of motor vehicles, and such services shall be done by hand within an area not greater than 500 square feet;
- r. All signage shall be maintained and developed in accordance with Part 10 of Chapter 22.52 of the County Code;
- s. All buildings shall maintain a minimum distance of 20 feet from Sierra Highway;
- t. The permittee shall maintain a current contact name, address, and phone number with the Department at all times;
- u. The use of an outdoor public address system or similar acoustical device is prohibited, and the speaker for ordering food from the drive-through facility shall be located on the north side of the restaurant building and blocked by the building;
- v. This permit authorizes the use of the subject property for an automobile service station, a mini-mart, and a restaurant with appurtenant parking and landscaping only. All other uses shall require the approval of another conditional use permit;
- w. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works memorandum dated October 1, 2002, except as otherwise required by said department;
- x. The permittee shall comply with all conditions set forth in the attached Los Angeles County Fire Department memorandum dated May 6, 2004, except as otherwise required by said department; and

- y. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Health Services memorandum dated December 4, 2002, except as otherwise required by said department.

ATTACHMENTS:

Department of Public Works letter dated October 1, 2002

Los Angeles County Fire Department dated May 6, 2004

Department of Health Services letter dated December 4, 2002

Mitigation Monitoring Program





JAMES A. NOYES, Director

## COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: LD-4

October 1, 2002

TO: Frank Meneses  
Zoning Permits Section  
Department of Regional Planning

FROM: Barry S. Witter  
Transportation Planning Section  
Land Development Division

### CONDITIONAL USE PERMIT NO. 02- 230

We have reviewed the subject case in the Palmdale area in the vicinity of Sierra Highway south of Pearblossom Highway. This case is for the construction of a service station with a mini-mart.

If this permit is approved, we recommend the following conditions:

1. Dedicate right of way 50 feet from centerline on Sierra Highway. Twenty feet of additional right of way is required along the property frontage.
2. Dedicate the right to restrict vehicular access on Sierra Highway.
3. Submit a traffic study to Public Works for review and approval and comply with mitigation measures identified in the approved traffic study to the satisfaction of Public Works.
4. Provide signing and striping plans on Sierra Highway to the satisfaction of Public Works.
5. Construct curb, gutter, base, pavement, and sidewalk on Sierra Highway to the satisfaction of Public Works.
6. Plant street trees on Sierra Highway to the satisfaction of Public Works.
7. Underground all utility lines to the satisfaction of Public Works.

8. Comply with the following street lighting requirements to the satisfaction of Public Works:
  - a. Provide street lights on concrete poles with underground wiring on Sierra Highway to the satisfaction of the Public Works. Street lighting plans must be approved by the Street Lighting Section.
  - b. The proposed development, or portions thereof, are not within an existing Lighting District. Annexation and assessment balloting are required. Upon Conditional Use Permit approval, the applicant shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$13,500 and comply with the conditions listed below in order for the Lighting Districts to pay for future operation and maintenance of street lights. The Board of Supervisors must approve the annexation and levy of assessment (should assessment balloting favor levy of assessment) prior to Public Works approving street lighting plans. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.
    1. Request the Street Lighting Section to commence annexation and levy of assessment proceedings.
    2. Provide business/property owner's name(s), mailing address(es), site address, Assessor Parcel Number(s), and Parcel Boundaries in either Microstation or Auto CADD format of territory to be developed to the Street Lighting Section.
    3. Submit a map of the proposed development including any roadways conditioned for street lights that are outside the proposed development area to the Street Lighting Section. Contact the Street Lighting Section for map requirements and with any questions at (626) 300-4726.
  - c. For acceptance of street light transfer billing, all street lights in the development, or the current phase of the development, must be constructed according to Public Works approved plans and energized for at least one year as of July 1 of the current year.

Frank Meneses  
October 1, 2002  
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- d. Note that the annexation and assessment balloting process takes approximately five to six months to complete once the above information is received and approved. Therefore, untimely compliance with the above will result in a delay in receiving approval of the street lighting plans.

WH:ca  
WP02-230

cc: Traffic and Lighting (Abdelhadi, Chon)

RP/2r



## COUNTY OF LOS ANGELES FIRE DEPARTMENT

5823 Rickenbacker Road  
Commerce, California 90040

DATE: May 6, 2004  
TO: Department of Regional Planning  
Permits and Variances  
SUBJECT: C.U.P. 02-230  
LOCATION: Pearblossom Hwy and Sierra Hwy.

- ☐ The Fire Department has no additional requirements for this permit.
- ☐ The required fire flow for this development is \_\_\_\_\_ gallons per minute for \_\_\_\_\_ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Install \_\_\_\_\_ Public and/or \_\_\_\_\_ On-site and/or \_\_\_\_\_ Upgrade/Verify 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ Comments: Due to the lack of public water supply the applicant is requested to provide a minimum water tank supply of 27,000 gallons of water for the fire department use only. Additional water supply shall be added to this to meet domestic demands as set forth by Public Works. Indicate the required tank size on the site plan and resubmit for review and approval
- ☒ Location: Install one private fire hydrant as noted on the submitted site plan, said fire hydrant shall measure 6"X4"X2 1/2". Fire hydrant shall be installed tested and accepted prior to commencement of construction. The water supply line shall be a minimum 6" diameter and be gravity feed from the required tank.
- ☒ Access: Divided entrance road shall be a minimum of 20' clear on each side or provide a minimum width of 26', all access shall be extended to within 150' of all exterior walls of proposed structures.
- ☒ Special Requirements: This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).
- Additionally, submittal of the architectural drawings to Fire Prevention Engineering are required prior to the issuance of building permit. Contact 661-949-6319 for specifics.
- Addressing shall be posted at the entrance driveway, as required by the field inspector.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: Janna Masi



COUNTY OF LOS ANGELES  
DEPARTMENT OF HEALTH SERVICES  
**Public Health**

THOMAS L. GARTHWAITE, M.D.  
DIRECTOR and CHIEF MEDICAL OFFICER

FRED LEAF  
CHIEF OPERATING OFFICER

JONATHAN E. FIELDING, M.D., M.P.H.  
Director of Public Health and Health Officer

**Environmental Health**  
ARTURO AGUIRRE, Director

Bureau of Environmental Protection  
Mountain & Rural/Water, Sewage & Subdivision Program  
5050 Commerce Drive, Baldwin Park, CA 91706-1423  
TEL (626)430-5380 • FAX (626)813-3016  
[www.lapublichealth.org/eh/progs/envirp.htm](http://www.lapublichealth.org/eh/progs/envirp.htm)



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December 4, 2002

Christina Tran  
Impact Analysis Section  
Department of Regional Planning  
320 W. Temple St., Los Angeles, CA 90012

**RE: CUP 02-230; Sierra Highway near Freeway 14, Big Mountain Ridge**

This Department has reviewed the submitted information and has no objection to the approval of this Conditional Use Permit providing it is conditioned to the following:

1. The on-site private sewage disposal system serving the site is constructed under permit from the Los Angeles County Department of Public Works, Building & Safety Division, and is constructed in compliance with all applicable codes.
2. The on-site private sewage disposal system serving the site is operated in a satisfactory sanitary manner and in compliance with all applicable codes and is served regularly as per US EPA guidelines.
3. Prior to the issuance of any building permit the on-site small public water supply system serving the site shall obtain the required small public water supply system permit from Los Angeles County Department of Health Services - Environmental Health, Mountain & Rural / Water, Sewage & Subdivision Program.
4. The on-site small public water supply system serving the site is maintained in compliance with all conditions stipulated in that small public water supply system permit, and in compliance with all applicable codes.
5. The on-site small public water supply system complies with the Technical, Managerial and Financial (TMF) responsibilities of small public water supply system as stated in California Health & Safety Code Section 116540.

Christina Tran  
CUP 02-230  
December 4, 2002  
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If there are any questions or you require further information, please contact me at 626-430-5380.

Respectfully,

A handwritten signature in cursive script, reading "Russell A. Johnson", is written over a horizontal line.

Russell A. Johnson, R.E.H.S., Chief,  
Mountain & Rural / Water, Sewage & Subdivision Program

RAJ:pn

**Conditional Use Permit / Zone Change No. 02-230**  
**Mitigation Monitoring Program**

<b>Impact Mitigation</b>	<b>Responsible Agency or Party</b>	<b>Action Required</b>	<b>Monitoring Agency or Party</b>	<b>Timing</b>
<b>Drainage/Grading</b>  Prior to the issuance of a grading permit, applicant shall comply with all conditions and requirements of the drainage concept/SUSMP that was approved on March 25, 2003 to the satisfaction of the DPW.	Project Applicant	Comply with approved drainage concept/SUSMP	DPW	Prior to issuance of grading permit
<b>Fire</b>  Prior to the issuance of a building permit, applicant shall pay a developer fee or an in-kind consideration in lieu of developer fees to the Los Angeles County Fire Department, to provide funds for fire protection facilities, which are required by new commercial, industrial or residential development in an amount proportionate to the demand created by this project. In the event that the developer fee is no longer in effect at the time of building permit issuance, alternative mitigation measures shall be required.	Project Applicant	Remit developer fee	LACFD	Prior to issuance of building permit
All proposals for traffic calming measures (speed humps/bumps, traffic circles, roundabouts, etc) shall be submitted to the Fire Department for review and approval prior to implementation.	Project Applicant	Submit proposals for all traffic calming measures	LACFD	Prior to implementation of any traffic calming measures

Prior to issuance of a building permit, applicant shall install one private fire hydrant (6" x 4" x 2 1/2") as noted on the site plan dated May 11, 2004. The water supply line shall be a minimum of 6" diameter and shall be gravity feed from the 30,000 gallon water tank. The installed fire hydrant shall be tested and accepted to the satisfaction of LACFD prior to construction.	Project Applicant	Installation, test, and acceptance of fire hydrant	LACFD	Prior to issuance of a building permit
The divided entrance road shall be a minimum of 20' clear on each side or provide a minimum width of 26' to the satisfaction of LACFD. All access shall be extended to within 150' of all exterior walls of proposed structures.	Project Applicant	Entrance road in compliance with requirements of LACFD	LACFD	During construction
Prior to the issuance of a building permit, applicant shall submit the architectural drawings to the Fire Prevention Engineering of LACFD for their review and approval.	Project Applicant	Submittal and approval of architectural drawings	LACFD	Prior to issuance of a building permit
Prior to operation, addressing shall be posted at the entrance driveway to the satisfaction of the field inspector of LACFD.	Project Applicant	Post addressing	LACFD	Prior to operation
Prior to the issuance of a building permit, applicant shall submit a fuel modification plan, a landscape plan, and an irrigation plan to the Forestry Division of the County of Los Angeles Fire Department for their review and approval. Landscape plan shall incorporate a minimum of 50% of locally indigenous plant species.	Project Applicant	Submittal and approval of a fuel modification plan, a landscape plan, and an irrigation plan	LACFD	Prior to the issuance of a building permit



<b>Noise</b>  The proposed project shall have no public address system, no outdoor motors, and the exterior ordering speaker for the drive-through restaurant shall be located on the north side and shall be blocked by the building.	Project Applicant	Public address system and outdoor motors are prohibited	DHS	During operation
<b>Water Quality</b>  Prior to the issuance of a building permit, applicant shall contact the Environmental Programs Division for required approvals and obtain operation permit for the construction/installation of underground storage tanks, industrial waste treatment or disposal facilities, and/or stormwater treatment structures and facilities.	Project Applicant	Contact Environmental Programs Division to obtain any required operation permit	DPW	Prior to the issuance of building permit
Food service establishments may be required to provide a grease treatment device. Prior to the issuance of a building permit, applicant shall contact the Programs Development Division of DPW to determine whether a grease treatment device will be required.	Project Applicant	Provide grease treatment devices if required to the satisfaction of the DPW	DPW	Prior to the issuance of building permit
The proposed project shall minimize all impermeable surfaces and incorporate permeable paving wherever feasible to maximize capture of local rainfall on the project site, eliminate incremental increase in flows to the storm drain system, and provide filtering of flows to capture contaminants originating from the project site.	Project Applicant	Minimize all impermeable surfaces and incorporate permeable paving wherever feasible	DPW	Prior to the issuance of grading permit

Applicant shall comply with the NPDES requirements of the California Regional Water Quality Control Board and the Los Angeles County Department of Public Works.	Project Applicant	Obtain NPDES permit	RWQCB DPW	Prior to issuance of grading permit
Prior to the issuance of a building permit, the on-site private sewage disposal system serving the site shall be constructed under permit from the Los Angeles County Department of Public Works, Building & Safety Division, and shall be constructed in compliance with all applicable codes.	Project Applicant	Construction of on-site sewage disposal system	DHS	Prior to issuance of building permit
The on-site private sewage disposal system serving the site shall be operated in a satisfactory sanitary manner and in compliance with all applicable codes and shall be serviced regularly as per US EPA guidelines.	Project Applicant	Disposal system shall be operated in sanitary manner and in compliance with applicable codes	DHS	During operation
Prior to the issuance of a grading permit, the applicant shall obtain the required small public water supply system permit for the on-site system from Los Angeles County Department of Health Services – Environmental Health, Mountain & Rural / Water, Sewage & Subdivision Program.	Project Applicant	Obtain small public water supply system permit	DHS	Prior to issuance of grading permit

<p>The on-site small public water supply system serving the site shall be maintained in compliance with all conditions stipulated in that small public water supply system permit, and shall be in compliance with all applicable codes, including the Technical, Managerial and Financial (TMF) responsibilities of small public water supply system as stated in California Health &amp; Safety Code Section 116540.</p>	<p>Project Applicant</p>	<p>On-site public water supply system shall comply with all conditions stipulated in permit and comply with TMF responsibilities</p>	<p>DHS</p>	<p>During operation</p>
<p><b>Biota</b></p> <p>Prior to any site activity, applicant shall submit a jurisdictional delineation report to the California Department of Fish &amp; Game to determine whether a 1603 permit will be required. If required, applicant shall obtain a 1603 permit prior to the issuance of a grading permit.</p>	<p>Project Applicant</p>	<p>Submit jurisdictional delineation report and obtain 1603 permit if required</p>	<p>CDFG DRP</p>	<p>Prior to any site activity</p>
<p>During construction activity, a biological monitor shall be present to relocate all vertebrate species including San Diego horned lizard, silvery legless lizard, southern grasshopper mouse that may be disturbed to an adjacent suitable habitat area.</p>	<p>Project Applicant and construction contractor</p>	<p>Biological monitor shall be present to relocate all vertebrate species</p>	<p>DRP</p>	<p>During construction</p>

<p>If project activities cannot feasibly avoid the breeding season of native birds (February 1 through August 31), the applicant shall have weekly field surveys conducted by a qualified biologist to determine if active nests are present in or within 500 feet of the grading zone. Surveys shall begin no earlier than 30 days and end no earlier than 3 days prior to construction activities. If nesting native birds are found, the project proponent shall delay all construction activities within the protected area of the nests (500 feet for raptor nests, 300 feet for all other birds) until the nest is vacated and juveniles have fledged and when there is no evidence of further attempts at nesting. Limits of avoidance shall be demarcated with flagging or fencing. If sensitive species (Le Conte's thrasher, loggerhead shrike or western burrowing owl) are among the nesting species found, all construction shall be postponed until the young have fledged to minimize disturbance to the nests and foraging habitat that may occur on the site; the applicant shall consult with CDFG to assess the property for replacement mitigation of up to 2:1 habitat replacement, and construction may commence in the fall. The project proponent shall record the results of the recommended protective measures described above and submit the records to the DRP to document compliance with applicable State and Federal laws pertaining to the protection of native birds.</p>	<p>Project Applicant</p>	<p>Prepare weekly bird surveys; Construction within protected areas of nesting native birds shall be postponed until nest is vacated and juveniles have fledged; Consult with CDFG and provide 2:1 habitat replacement if sensitive species are found</p>	<p>DRP CDFG</p>	<p>During construction</p>
<p>Night lighting shall be directed downward onto the property, of low intensity, at low height and shielded to prevent illumination of surrounding properties and undeveloped areas.</p>	<p>Project Applicant</p>	<p>Night lighting directed downward with low intensity</p>	<p>DRP</p>	<p>During operation</p>

Traffic/Access	Project Applicant	Submittal and approval of detailed striping plan and construction of street improvements	DPW	Prior to issuance of building permit
<p>Prior to the issuance of a building permit, applicant shall construct half street improvements along the project frontage which shall consist of a deceleration lane (minimum 250 feet in length), an acceleration lane (minimum 650 feet in length), and a raised triangular median in front of the driveway to prevent left-turn in/out movements at the driveway. A detailed striping plan for these improvements shall be submitted to the Traffic Design Section of the Traffic and Lighting Division for review and approval prior to the construction of these improvements.</p>				
<p>Prior to the issuance of a grading permit, applicant shall apply and obtain an encroachment permit from the California Department of Transportation (Caltrans).</p>	Project Applicant	Obtain encroachment permit	Caltrans	Prior to issuance of grading permit

<p><b>Utilities</b></p> <p>Prior to issuance of building permit, applicant shall implement waste reduction and recycling programs to divert the solid waste, including construction and demolition waste, from the landfill to the satisfaction of the Environmental Programs Division of the DPW.</p>	<p>Project Applicant</p>	<p>Implement waste reduction and recycling programs</p>	<p>DPW</p>	<p>Prior to issuance of building permit</p>
<p><b>Mitigation Compliance</b></p> <p>As a means of ensuring compliance of the above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting annual mitigation compliance report to the DRP for review, and for replenishing the mitigation monitoring account if necessary until such time as all mitigation measures have been implemented and completed.</p>	<p>Project Applicant and Subsequent Owners</p>	<p>Submit annual mitigation compliance report and replenish mitigation monitoring account</p>	<p>DRP</p>	<p>Annually until all mitigation measures have been implemented and completed</p>

Key:

Caltrans = California Department of Transportation  
DHS = Los Angeles County Department of Health Services  
DPW = Los Angeles County Department of Public Works  
DRP = Los Angeles County Department of Regional Planning  
DFG = Department of Fish and Game  
LACFD = Los Angeles County Fire Department  
NPDES = National Pollution Discharge Elimination System  
RWQCB = California Regional Water Quality Control Board  
SUSMP = Standard Urban Stormwater Mitigation Plan  
USFW = U.S. Fish and Wildlife